

00-2-013



PATENT

*Da* / 1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dorfman et al.

Serial No. 09/804,876

Art Unit: 1742

Filed: 3/13/01

Examiner: N. Mai

For: Mo-Cu Composite Powder

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

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SEP 17 2004  
TC 1700

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on

September 2, 2004  
Robert F. Clark  
Robert F. Clark Reg. No. 33,853

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Your petitioners hereby petition the Commissioner of Patents and Trademarks to invoke his supervisory authority in the subject matter application to withdraw the holding of abandonment mailed August 24, 2004.

The Commissioner is hereby authorized to charge **Deposit Account No. 15-0685** for any fees required by the filing of this petition.

The facts are as follows:

1. A Notice of Abandonment was mailed to the Petitioners on August 24, 2004 wherein the instant application was abandoned for failure to reply to an Office Action mailed December 30, 2003.

In accordance with the procedure set forth in Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (Nov. 16, 1993), the undersigned makes the following statements:

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TC 1700

i) That as far as it may be determined the Office Action mailed on December 30, 2003 was never received by the Petitioners' attorney nor the office at the correspondence address of record in this case.

ii) That searches of the file jacket of the instant application and the docketing records where the Office Action would have been recorded indicate that the Office Action was never received.

iii) That a copy of the petitioners' attorney's personal docket for March 2004 is attached as Exhibit A.

(iv) That if the Office Action had been received, an action item under the attorney's docket number, 00-2-013, would have been entered in the personal docket on the appropriate March 30, 2004 due date and, as can be seen, that no such entry was made.

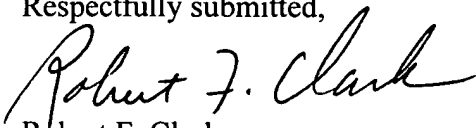
v) That a copy of the electronic docket for this application in which the Office Action would have been recorded is attached as Exhibit B and that electronic docket shows that there were no actions having a mailing date (Base Date) of December 30, 2003 for the instant application.

vi) That further copies from the electronic docket for all applications having a mailing date (Base Date) between December 30, 2003 and January 5, 2004 are attached as Exhibit C and that these documents also show that there were no actions entered for the instant application during this period.

Wherefore, your petitioners pray:

1. That the petitioners have made a sufficient showing according to 1156 OG 53 to establish that the Office Action was not received.
2. That the holding of abandonment be withdrawn.
3. That the Commissioner take any other actions deemed necessary.

Respectfully submitted,



Robert F. Clark  
Reg. No. 33,853

OSRAM SYLVANIA Inc.  
100 Endicott St.  
Danvers, MA 01923

SEP 07 2004

MARCH 2004

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 <i>94-1-103 (DIN) CN</i> <i>signature</i>	2 <i>00719078</i> <i>Final</i>	3	4	5 <i>01912240</i> <i>Final</i>	6
7	8	9	10	11 <i>04511915</i> <i>02-1-2007</i> <i>signature</i>	12 <i>98-4-587</i> <i>signature</i> <i>02-1-552</i>	13
14	15	16 <i>03-1-517</i> <i>1 DS</i>	17 <i>St. Patrick's Day</i>	18	19 <i>62-1-869 CFP</i> <i>1 DS</i> <i>03-2-305</i> <i>1 DS</i>	20 <i>022-1-62</i> <i>signature</i>
21 <i>Being Jesus: Birthday (D)</i> <i>Madness Sunday (D)</i>	22	23	24	25	26 <i>02-1-242 DM</i> <i>1 DS</i> <i>02-1-553</i>	27
28	29 <i>00-1-242 DM</i> <i>1 DS</i> <i>02-2-210 DM</i> <i>1 DS</i>	30 <i>00719521</i> <i>signature</i>	31			

February 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

March 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

June 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July 2004

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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## EXHIBIT B

CaseNumber	SubCase	Country	CountryName	CaseType	ApplicationStatus	ActionType	BaseDate	ResponseDate
00-2-013	IP	US	United States of America	ORD	Pending	Application Status Check	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Foreign Filing	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Information Disclosure Stmt	13-Mar-2001	
00-2-013	IP	US	United States of America	ORD	Pending	Substantive Examination	08-Jul-2002	03-Oct-2002
00-2-013	IP	US	United States of America	ORD	Pending	US-3 Month Office Action	02-Jan-2003	01-Oct-2003
00-2-013	IP	US	United States of America	ORD	Pending	US-3 Month Office Action	26-Apr-2001	16-May-2001

## EXHIBIT C (1 of 2)

CaseNumber	SubCase	Country	CountryName	CaseType	ApplicationStatus	ActionType	BaseDate	ResponseDate	UserId	DateCreated	LastUpdate	ActionDue	DueDate	Indicator	DateTaken
00P18871		US	United States of America	PCT	Published	US-3 Month Office Action	30-Dec-2003	29-Mar-2004	basti	06-Jan-2004	30-Mar-2004	1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date	29-Feb-2004 29-Feb-2004 30-Mar-2004 30-Apr-2004 30-May-2004 14-Jun-2004 30-Jun-2004 29-Sep-2004	Reminder Reminder Due Date Reminder Reminder Due Date Final Due Date	29-Mar-2004 29-Mar-2004 29-Mar-2004 29-Mar-2004 29-Mar-2004 29-Mar-2004 29-Mar-2004 29-Mar-2004
00P18981		US	United States of America	ORD	Published	US-3 Month Office Action	30-Dec-2003	31-Mar-2004	basti	06-Jan-2004	06-Apr-2004	1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date	29-Feb-2004 29-Feb-2004 30-Mar-2004 30-Apr-2004 30-May-2004 14-Jun-2004 30-Jun-2004 30-Sep-2004	Reminder Reminder Due Date Reminder Reminder Due Date Final Due Date	31-Mar-2004 31-Mar-2004 31-Mar-2004 31-Mar-2004 31-Mar-2004 31-Mar-2004 31-Mar-2004 31-Mar-2004
00P19078		US	United States of America	PCT	Published	US-3 Month Office Action	02-Jan-2004	29-Apr-2004	basti	06-Jan-2004	30-Apr-2004	1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date	02-Mar-2004 02-Mar-2004 02-Apr-2004 02-May-2004 02-Jun-2004 17-Jun-2004 02-Jul-2004 29-Oct-2004	Reminder Reminder Due Date Reminder Reminder Due Date Final Due Date	29-Apr-2004 29-Apr-2004 29-Apr-2004 29-Apr-2004 29-Apr-2004 29-Apr-2004 29-Apr-2004 29-Apr-2004
01-1-447		US	United States of America	ORD	Granted	US-3 Month Office Action	31-Dec-2003	10-Mar-2004	basti	06-Jan-2004	11-Mar-2004	1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Offi Follow Up Date	29-Feb-2004 29-Feb-2004 31-Mar-2004 30-Apr-2004 31-May-2004 15-Jun-2004 30-Jun-2004 10-Sep-2004	Reminder Reminder Due Date Reminder Reminder Due Date Final Due Date	10-Mar-2004 10-Mar-2004 10-Mar-2004 10-Mar-2004 10-Mar-2004 10-Mar-2004 10-Mar-2004 10-Mar-2004
01P13704		US	United States of America	ORD	Granted	US-Allowance	31-Dec-2003	06-Jan-2004	basti	06-Jan-2004	06-Jan-2004	ActionDue Fee Due in 2 Months! Fee Due in 1 Month US-Allowance Issue Fee Due US-Allowance Follow Up Date	31-Jan-2004 29-Feb-2004 29-Feb-2004 31-Mar-2004 06-Jul-2004	Indicator Reminder Reminder Reminder Final Due Date	DateTaken 06-Jan-2004 06-Jan-2004 06-Jan-2004 06-Jan-2004 06-Jan-2004
01P17620		US	United States of America	ORD	Granted	US-Allowance	31-Dec-2003	07-Jan-2004	basti	06-Jan-2004	07-Jan-2004	ActionDue Fee Due in 2 Months! Fee Due in 1 Month US-Allowance Issue Fee Due US-Allowance Follow Up Date	31-Jan-2004 29-Feb-2004 29-Feb-2004 31-Mar-2004 07-Jul-2004	Indicator Reminder Reminder Reminder Final Due Date	DateTaken 07-Jan-2004 07-Jan-2004 07-Jan-2004 07-Jan-2004 07-Jan-2004
01P17620		US	United States of America	ORD	Granted	US-Allowability	31-Dec-2003	07-Jan-2004	basti	13-Jan-2004	13-Jan-2004	ActionDue US-Allowability Follow Up Date US-Allowability	07-Jan-2004 07-Jan-2004 31-Jan-2004	Indicator Due Date Due Date	DateTaken 07-Jan-2004 07-Jan-2004
01P21881		US	United States of America	PRI	Granted	US-Allowance	30-Dec-2003	07-Jan-2004	basti	06-Jan-2004	08-Jan-2004	ActionDue Fee Due in 2 Months! Fee Due in 1 Month US-Allowance Issue Fee Due US-Allowance Follow Up Date	30-Jan-2004 29-Feb-2004 29-Feb-2004 30-Mar-2004 07-Jul-2004	Indicator Reminder Reminder Reminder Final Due Date	DateTaken 07-Jan-2004 07-Jan-2004 07-Jan-2004 07-Jan-2004 07-Jan-2004
02-1-420		US	United States of America	PRI	Granted	US-3 Month Office Action	30-Dec-2003	01-Apr-2004	basti	06-Jan-2004	06-Apr-2004	ActionDue 1 Month to Due Date	29-Feb-2004	Indicator Reminder	DateTaken 01-Apr-2004

## EXHIBIT C (2 of 2)

02-1-833	US	United States of America	PRI	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	US-3 Month Office Action	29-Feb-2004 30-Mar-2004 30-Apr-2004 30-May-2004 14-Jun-2004 30-Jun-2004 01-Oct-2004	Reminder 01-Apr-2004 Due Date 01-Apr-2004 Reminder 01-Apr-2004 Reminder 01-Apr-2004 Due Date 01-Apr-2004 Final 01-Apr-2004 Due Date
02-1-833	US	United States of America	PRI	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 11.5	DueDate 30-Jun-2015	Indicator DateTaken Due Date
02-1-833	US	United States of America	PRI	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 3.5	DueDate 30-Jun-2007	Indicator DateTaken Due Date
02-1-845	US	United States of America	PRI	Pending	US-3 Month Office Action	30-Dec-2003	basti	06-Jan-2004	15-Mar-2004	ActionDue Tax 7.5	DueDate 30-Jun-2011	Indicator DateTaken Due Date
02-4-138	US	United States of America	PRI	Granted	US-Allowance	05-Jan-2004	basti	08-Jan-2004	08-Jan-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-3 Month Off Follow Up Date	DueDate 29-Feb-2004 29-Feb-2004 30-Mar-2004 30-Apr-2004 30-May-2004 14-Jun-2004 30-Jun-2004 15-Sep-2004	Indicator DateTaken Reminder 15-Mar-2004 Reminder 15-Mar-2004 Due Date 15-Mar-2004 Reminder 15-Mar-2004 Reminder 15-Mar-2004 Due Date 15-Mar-2004 Final 15-Mar-2004 Due Date
02P06405	US	United States of America	ORD	Lapsed	US-3 Month Office Action	31-Dec-2003	basti	06-Jan-2004	06-Jan-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final US-Allowance Follow Up Date	DueDate 29-Feb-2004 29-Feb-2004 31-Mar-2004 30-Apr-2004 31-May-2004 15-Jun-2004 30-Jun-2004	Indicator DateTaken Reminder 08-Jan-2004 Reminder 08-Jan-2004 Reminder 08-Jan-2004 Final 08-Jan-2004 Due Date
98-1-361	US	United States of America	ORD	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 11.5	DueDate 30-Jun-2015	Indicator DateTaken Due Date
98-1-361	US	United States of America	ORD	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 3.5	DueDate 30-Jun-2007	Indicator DateTaken Due Date
98-1-361	US	United States of America	ORD	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 7.5	DueDate 30-Jun-2011	Indicator DateTaken Due Date
99-2-910	IP	United States of America	ORD	Abandoned	US-3 Month Office Action	05-Jan-2004	basti	06-Jan-2004	06-Jan-2004	ActionDue 1 Month to Due Date US-3 Month Office Action 3 Month Due Date 1st Extension 2nd Extension 2 Weeks to Final Date 6 Month Final	DueDate 05-Mar-2004 05-Mar-2004 05-Apr-2004 05-May-2004 05-Jun-2004 20-Jun-2004 05-Jul-2004	Indicator DateTaken Reminder Reminder Due Date Reminder Reminder Due Date Final
99P5545	US	United States of America	PCT	Granted	Tax 11.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 11.5	DueDate 30-Jun-2015	Indicator DateTaken Due Date
99P5545	US	United States of America	PCT	Granted	Tax 3.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 3.5	DueDate 30-Jun-2007	Indicator DateTaken Due Date
99P5545	US	United States of America	PCT	Granted	Tax 7.5	30-Dec-2003	basti	23-Dec-2003	23-Dec-2003	ActionDue Tax 7.5	DueDate 30-Jun-2011	Indicator DateTaken Due Date